

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2038.03
COMPLAINT INVESTIGATOR: Sally Cook
DATE OF COMPLAINT: May 13, 2003
DATE OF REPORT: June 9, 2003
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: July 1, 2003

COMPLAINT ISSUES:

Whether the MSD Boone Township and the Porter County Interlocal violated:

511 IAC 7-25-4(k) by failing to ensure that a copy of the student's evaluation report was made available at the school the student attends no less than five instructional days prior to the scheduled case conference committee meeting.

511 IAC 7-25-4(l) by failing to arrange a meeting with the parent to explain the results of the evaluation within five instructional days prior to the scheduled case conference committee meeting.

511 IAC 7-27-2 by failing to provide the parent with written notice of the case conference committee meeting.

During the course of the investigation, the Complainant withdrew the last issue:
511 IAC 7-22-1(d)(2) by failing to give the parent a copy of the notice of procedural safeguards at the time of the notification of a case conference committee meeting.

FINDINGS OF FACT:

1. The Student is nine years old and has been formally referred for an educational evaluation to determine the nature and extent of a suspected disability, but had not yet been determined eligible for special education and related services, as of the date of the filing of this Complaint.
2. The Parent made an oral request for an initial educational evaluation of the Student. On March 7, 2003, the Parent met with school personnel, including the multidisciplinary team case manager, for a meeting (Personal Meeting) to fulfill the requirements of 511 IAC 7-25-4(a) and (b). Written parental consent for evaluation was provided to certified personnel during the Personal Meeting.
3. During the Personal Meeting, the dates for subsequent meetings were set, as follows:
 - May 8, 2003, at 8:00 a.m. to explain the evaluation results (Explanation Meeting); and
 - May 15, 2003, at 8:00 a.m. for the case conference committee meeting (CCC Meeting).May 8, 2003, is five instructional days prior to May 15, 2003.
4. The Parent cancelled the Explanation Meeting scheduled for May 8, 2003.
5. On May 9, 2003, a copy of the evaluation report was faxed to the school that the Student attends.

6. On Monday, May 12, 2003, a copy of the evaluation report was sent home to the Parent.
7. In this special education planning district, the practice is to give a written notice of the CCC meeting (CCC Notification) to a parent at the Personal Meeting and to mail a second CCC Notification later. The School has produced no documentation that a CCC Notification was given to the Parent on March 7, 2003. The School acknowledges that a second CCC Notification was not mailed to the Parent later.
8. The School has no file copy of the CCC Notification. On March 7, 2003, the Parent did, however, receive two pages customarily attached to a CCC Notification.
9. On or about May 14, 2003, the School notified the Parent that the CCC meeting was postponed. The Parent was contacted by telephone regarding a mutually agreeable date and time for the CCC meeting, and the CCC meeting was rescheduled for June 4, 2003. June 4, 2003, is within sixty instructional days of March 7, 2003, the date the written parental consent for evaluation was received by certified personnel.
10. The Parent received multiple CCC Notifications for the June 4, 2003, CCC Meeting.

CONCLUSIONS:

1. Findings of Fact #2, #3, #4, and #5 indicate that a copy of the evaluation report was not made available at the school the Student attends five instructional days before the date on which the case conference committee (CCC) was scheduled to meet. Therefore, a violation of 511 IAC 7-25-4(k) occurred. However, Findings of Fact #6 and #9 indicate that a copy of the evaluation report was provided to the Parent more than five instructional days before the rescheduled CCC meeting was held. Therefore, no additional corrective action is required.
2. Findings of Fact #2, #3, and #4 indicate that the School fulfilled its obligations with respect to offering the Parent a meeting to receive an explanation of the Student's evaluation results, prior to the CCC meeting. The rule does not require a letter of explanation. Therefore, no violation of 511 IAC 7-25-4(l) occurred.
3. Finding of Fact #7 indicates that the Parent did not receive a written notice of the CCC Meeting scheduled for May 15, 2003. Therefore, a violation of 511 IAC 7-27-7(a) occurred. However, Findings of Fact #9 and #10 indicate that the Parent was given adequate written notice of the rescheduled CCC meeting. Therefore, no additional corrective action is required.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.